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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SMITHKLINE BEECHAM CORPORATION			EXAMINER	
Corporate Intellectual Property - UW2220			TRUONG, TAMTHOM NGO	
P.O. Box 1539			11100110, 111	
King of Prussia, PA 19406-0939		ART UNIT	PAPER NUMBER	
			1624	
		DATE MAILED: 09/05/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)   MARQUISET AL	•						
Examiner   Art Unit   Tamthom N, Truong   1624		Application No.	Applicant(s)				
Tamhtom N. Truong   1624		09/836,586	MARQUIS ET AL.				
The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edwards of time may be available under the provision of 3 CFR 1-18(a). In a event, however, may a reply be timely filed at the Post of the communication of 3 CFR 1-18(a). In an event, however, may a reply be timely filed at the SIX (b) (ACM)**Tis from the maining date of the communication of the CMP of the communication	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE § MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Ederacions of time may be analytical under the provisions of 37 CFF 1.136(s). In no event, however, may a reply be timely filed  Ederacion of time may be analytical under the provisions of 37 CFF 1.136(s). In no event, however, may a reply be timely filed  If the period from reply specified above, the mainture statutory period will apply and will agries SIX (8) MONTH from the mainting date of this communication. If the period reply specified above, the mainture statutory period will apply and will agries SIX (8) MONTH from the mainting date of this communication. If the period period is reply with the set of evented period for reply is appetited by the specified above, the mainting date of this communication, sector liftney fleet, may related a this communication. Period the mainting date of this communication, sector liftney fleet, may related any sector provided any sector provided any sector liftney fleet, may related any sector liftney fleet, may related any sector provided							
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 /C R1 136(a). In no event, however, may a reply be limely filed after SX (b) MONTIST from the mailing date of this communication.  If the period for mayly searched across is less them communication and the provision of the pro		ears on the cover sheet with the	correspondence address				
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-25 and 34 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) 1-15, 18-25, and 34 is/are rejected.  7)  Claim(s) 1-15, 18-25, and 34 is/are rejected.  7)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) cepted or b) objected to by the Examiner.  Application Papers  9)  The proposed drawing correction filed on is: a) opposed by the Examiner.  Application are not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) opposed by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b) Some * c) None of:  1  Certified copies of the priority documents have been received.  2  Certified copies of the priority documents have been received in Application No  3  Copies of the certified copies of the priority documents have been received in Application No  3  Copies of the certified copies of the priority documents have been received in Application No  4)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a reply be ti within the statutory minimum of thirty (30) da ill apply and will expire SIX (6) MONTHS fron cause the application to become ABANDONI	mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).				
3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s) 1-25 and 34 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5   Claim(s) is/are allowed.  6   Claim(s) 1-15.18-25, and 34 is/are rejected.  7   Claim(s) 1-15.18-25, and 34 is/are rejected.  7   Claim(s) are subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner.  10   The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11   The proposed drawing correction filed on is: a) _ approved b)   disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12   The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All   b)   Some * c)   None of:  1   Certified copies of the priority documents have been received in Application No  3   Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a)   The translation of the foreign language provisional application has been received.  15   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)   Indicated References Cited (PTO-882)   Notice of Informal Patent Application (PTO-152)   Notice of Infor	1) Responsive to communication(s) filed on	•					
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7)	· · · · · · · · · · · · · · · · · · ·						
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#### **DETAILED ACTION**

Applicant's preliminary amendments of 4-17-01 have been entered in part. Therefore, claims 26-33 are now cancelled, leaving claims 1-25, and 34 for consideration. The attached abstract was not entered for the reason set forth below.

### Specification

1. **Abstract:** The abstract of the disclosure is objected to because it is longer than 150 words (or 15 lines). Correction is required. See MPEP § 608.01(b).

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2. Claims 1-15, 18-25, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following reasons apply:
  - a. Claim 1 recites substituents having ' $C_{0-6}$  alkyl' or ' $C_{0-6}$  alkoxy' which are indefinite because an alkyl or alkoxy group cannot have zero carbon.
  - b. There is double inclusion in the definition of  $R^5$ . For example, when  $R^5$  is defined as "C<sub>1-6</sub>alkyl optionally substituted by ... R'NC(O)OR<sup>5</sup>...".

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### Claim Objections

3. Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Species recited in said claims are not taught in references of record.

## Information Disclosure Statement

4. The IDS of 4-17-01 has been considered. The closest reference is Lalinde et. al. (US'471). Said reference teaches compounds of substituted piperidinyl-carboxamide. However, the reference's R<sub>1</sub> does not represent a group corresponding to the instant R<sup>1</sup> or R".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 703-305-4485. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

museund J. Rel

Mukund Shah

Supervisory Patent Examiner

Art Unit 1624

September 3, 2002